

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 105

HOUSE BILL 2388

AN ACT

AMENDING SECTION 28-7011, ARIZONA REVISED STATUTES; RELATING TO THE STATEWIDE
TRANSPORTATION ACCELERATION NEEDS ACCOUNT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-7011, Arizona Revised Statutes, is amended to
3 read:

4 28-7011. Roads of regional significance congestion mitigation
5 account; program termination

6 A. The roads of regional significance congestion mitigation account is
7 established as a separate subaccount of the statewide transportation
8 acceleration needs account established by section 28-7009. The subaccount
9 may include:

10 1. Legislative appropriations.

11 2. Monies designated for deposit in the account by the transportation
12 board, a state agency or a political subdivision of this state.

13 3. Monies received from the United States government for the purpose
14 of transportation projects relating to congestion mitigation.

15 4. Monies received from an Indian tribe, this state, a state agency or
16 a political subdivision of this state for the purpose of transportation
17 projects relating to congestion mitigation.

18 5. Interest and other income received from investing monies in the
19 account.

20 6. Gifts, grants, donations or other amounts received from any public
21 source for deposit in the account for the purpose of transportation projects
22 relating to congestion mitigation.

23 B. On notice from the transportation board, the state treasurer shall
24 invest and divest monies, as provided by section 35-313, in the roads of
25 regional significance congestion mitigation account and monies earned from
26 investment shall be credited to the account.

27 C. The transportation board may establish any subaccount in the roads
28 of regional significance congestion mitigation account that the board
29 determines is necessary or appropriate to carry out the purposes of this
30 section.

31 D. When a governmental entity deposits monies in the roads of regional
32 significance congestion mitigation account for a specific project and the
33 transportation board approves the project, the board shall designate the
34 monies deposited by the governmental entity solely for the project for which
35 the monies are deposited.

36 E. Notwithstanding sections 28-6993 and 28-7009, and any other
37 agreements entered into by the department of transportation for the
38 distribution and expenditure of monies from the state highway fund, the
39 transportation board shall not approve any expenditures from the roads of
40 regional significance congestion mitigation account unless both:

41 1. The expenditure is made in accordance with this section and is for
42 the construction, design or planning of roads or bridges that are contained,
43 but not funded, in the transportation plan of a city, town or county.

44 2. The project receiving the monies is in a regional planning agency's
45 transportation improvement plan or a county transportation improvement plan.

1 F. To be eligible to receive monies from the account, the city, town
2 or county must identify the participating jurisdictions. Those jurisdictions
3 must include at least one of the following:

4 1. A county that has an average growth rate that exceeds the average
5 county growth rate in this state by at least fifty per cent in the last five
6 years.

7 2. A city or town that has an average growth rate that exceeds the
8 average city or town growth rate in this state by at least fifty per cent in
9 the last five years.

10 G. Each governmental entity that is awarded monies from the account
11 for a project shall enter into a memorandum of understanding with every other
12 governmental entity involved in the project that outlines each entity's
13 fiscal responsibility for the project. The memorandum of understanding shall
14 be entered into before the governmental entity receives funding to begin the
15 project.

16 H. A governmental entity that receives monies from the account
17 pursuant to this section shall reimburse the account the entire amount of the
18 monies received for a project as outlined in the memorandum of understanding.

19 I. NOTWITHSTANDING SUBSECTION J OF THIS SECTION, A CITY OR TOWN THAT
20 RECEIVES MONIES PURSUANT TO THIS SECTION MUST REIMBURSE THE STATEWIDE
21 TRANSPORTATION ACCELERATION NEEDS ACCOUNT WITHIN FIFTEEN YEARS AFTER
22 RECEIVING THE MONIES. THIS SUBSECTION APPLIES TO MONIES THAT THE CITY OR
23 TOWN RECEIVES BEFORE, ON AND AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO
24 THIS SECTION.

25 ~~I.~~ J. The program established by this section ends on July 1, 2012
26 pursuant to section 41-3102.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.